

Exhibit 10

From: [Calabrese, Christine](#)
To: [Rahul Srinivas](#); [Tsekerides, Theodore](#); [Perez, Alfredo](#); [Carlson, Clifford](#); [Crabtree, Austin](#); [Aquila, Elaina](#); [Delauney, Krystal](#)
Cc: [Greg Wolfe](#); [David Moosmann](#); [Matt Gauthier](#); [Harper, Ashley](#); [Bell, Brandon](#); [Davidson, Tad](#)
Subject: RE: Sphere 3D- Motion to Exclude
Date: Monday, December 11, 2023 12:00:18 PM

Rahul,

We have not violated any Court order nor were the Debtors' damages theories belatedly disclosed. Additionally, Sphere has not suffered any prejudice.

The Court ordered that the Debtors state the basis and amount of each offset by September 20. We did. We also timely produced documents that support our damages/offset theories. That we then amended our interrogatories to disclose *more* detail and update the figures asserted is nothing to complain about: (1) our damages theories remain the same, (2) certain of the amounts asserted *decreased* (under the same theory), and (3) we identified by bates number the supporting documents that we timely produced. This is clear by a comparison of our supplemental responses (dated September 20) and amended responses (dated November 3) to Sphere's interrogatories.

In short: Sphere has been on notice of the Debtors' offset/damages theories from the start, has had ample opportunity to seek written and document discovery into those theories, and will also have the opportunity to question the Debtors' witnesses about it. You are not entitled to anything additional, and certainly not a second bite at written and document discovery.

Filing a motion to exclude would be baseless and we would make that clear in our opposition. At this point, let's stop wasteful tactics and just proceed with finishing the outstanding discovery. Core reserves all rights.

Regards,

Christine Calabrese

Weil, Gotshal & Manges LLP
+ 1 212 310-8083 Direct
+1 202 213-7892 Mobile

From: Rahul Srinivas <rsrinivas@dnfllp.com>
Sent: Thursday, December 7, 2023 5:18 PM
To: Tsekerides, Theodore <theodore.tsekerides@weil.com>; Perez, Alfredo <alfredo.perez@weil.com>; Carlson, Clifford <Clifford.Carlson@weil.com>; Calabrese, Christine <Christine.Calabrese@weil.com>; Crabtree, Austin <Austin.Crabtree@weil.com>; Aquila, Elaina <Elaina.Aquila@weil.com>; Delauney, Krystal <Krystal.Delauney@weil.com>
Cc: Greg Wolfe <greg@dnfllp.com>; David Moosmann <dmoosmann@dnfllp.com>; Matt Gauthier <mgauthier@dnfllp.com>; Harper, Ashley <AshleyHarper@andrewskurth.com>; Bell, Brandon

<BBell@hunton.com>; Davidson, Tad <TadDavidson@andrewskurth.com>

Subject: Sphere 3D- Motion to Exclude

Counsel:

As we have explained to you in prior correspondence, and as presaged in our briefing opposing your motion for consolidation and to vacate the scheduling order, we intend to file a motion to exclude Debtors' belatedly disclosed damages theories in their amended supplemental interrogatory responses and objections.

Although we do not believe it is necessary to make this offer given that Debtors plainly violated the Court's orders, in lieu of moving to exclude, we are willing to explore a compromise under which Debtors produce discovery on the belatedly disclosed theories on an expedited basis on the following parameters:

- We will serve new RFPs, no more than 10 interrogatories, and no more than 10 RFAs addressed to the new damages theories.
- Debtors will serve responses and objections within seven days.
- We will come to agreement on search terms and custodians within ten days.
- Debtors will search for relevant documents and communications through the present and make a complete production within fourteen days of serving responses and objections.
- Debtors' 30(b)(6) witness on their damages theories will be made available for a deposition thereafter.

Please let us know if you are amenable to this compromise no later than tomorrow. We are available to meet-and-confer on this tomorrow. We are also open to hearing any other compromises you may have in mind.

Rahul Srinivas*

Dontzin Nagy & Fleissig LLP

31 East 62nd Street

New York, NY 10065

(212) 717-2900

rsrinivas@dnfllp.com

*Not yet admitted to practice in New York

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.